

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD
Plaintiff,

v.

TIMOTHY CALLAHAN,
FRANCIS M. ROACHE,
PAUL MURPHY,
RICHARD WALSH, and
THE CITY OF BOSTON,
Defendants.

C.A. NO.: 04-11193NG

**DEFENDANTS RICHARD WALSH AND TIMOTHY CALLAHAN'S RENEWED¹
MOTION FOR BIFURCATION AND SEPARATE TRIALS**

NOW COME the Defendants, Richard Walsh ("Walsh") and Timothy Callahan ("Callahan"), and hereby move, pursuant to Fed. R. Civ. P. 42(b), for bifurcation of the trial in this civil action into phases: (1) the first to be the trial of the Plaintiff, Shawn Drumgold's ("Drumgold") claims against Walsh and against Callahan; (2) the second to be the trial of Drumgold's *Monell* claim against the City of Boston ("City") and his supervisory liability claim against former police commissioner Francis M. Roache ("Roache"); and (3) the third to be the trial on the issue of damages. As grounds, Walsh and Callahan state that bifurcation will achieve the purposes of Rule 42(b), in that bifurcation would prevent prejudice, would reduce the possibility of juror confusion and would promote judicial economy. Moreover, Drumgold will not suffer prejudice as a result of bifurcation. In support of this motion, Walsh submits and incorporates herein by reference *Memorandum of Law in Support of Defendants Richard Walsh*

¹ Walsh and Callahan hereby renew their Joint Motion to Bifurcate Trial, Motion No. 33, entered on July 22, 2005.

and Timothy Callahan's Renewed Motion for Bifurcation and Separate Trial which has been filed herewith.

Defendant,
RICHARD WALSH,
By his attorney,

Defendant,
TIMOTHY CALLAHAN,
By his attorney,

/s/ Hugh R. Curran
Hugh R. Curran (BBO# 552623)
Bonner, Kiernan, Trebach & Crociata, LLP
200 Portland Street, Suite 400
Boston, MA 02114
(617) 426-3900
(617) 426-0380 fax

/s/ Mary Jo Harris
Mary Jo Harris (BBO# 561484)
Morgan, Brown & Joy
200 State Street, 11th Floor
Boston, MA 02109
(617) 523-666

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 27th day of January, 2008, I electronically filed with within document with the Clerk of the United States District Court for the District of Massachusetts, using the CM/ECF System. The following participants have received notice electronically:

For Plaintiff Shawn Drumgold,
Michael W. Reilly, Esq.
Tommasino & Tommasino
Two Center Plaza
Boston, MA 02108-1904

For Plaintiff Shawn Drumgold,
Rosemary Curran Scapicchio, Esq.
Four Longfellow Place, Suite 3703
Boston, MA 02114

For Defendant, City of Boston
Susan Weise, Esq.
Chief of Litigation
Assistant Corporate Counsel
City of Boston/Law Department
City Hall, Room 615
Boston, MA 02201

For Defendants City of Boston and Francis M. Roache,
John P. Roache, Esq.
Hogan, Roache, & Malone
66 Long Wharf
Boston, MA 02110

For Defendant Timothy Callahan,
MaryJo Harris, Esq.
Morgan, Brown & Joy
200 State Street, 11th Floor
Boston, MA 02109

For Defendant Paul Murphy,
William White, Esq.
One Faneuil Hall Marketplace, 3rd Floor
Boston, MA 02109

/s/ Mary Jo Harris